

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING  
AND  
ZONING COMMISSION ORDER NO. 02-22  
Z.C. Case No. 02-22  
(Map Amendment – Square 754, Lots 103 to 106 and 109)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official code § 6-641.01 (2001 ed.)), having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03, and having received approval of the proposed amendments from the National Capital Planning Commission pursuant to 11 DCMR § 3025.3, hereby gives notice of the adoption of the following amendment to the Zoning Map of the District of Columbia.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 16, 2004, at 51 D.C.R. 3914, for a 30-day notice and comment period. No comments were received. By report dated January 30, 2003, the National Capital Planning Commission found that the proposed map amendment would neither adversely affect federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

The map amendment applies to property on the east side of 2<sup>nd</sup> Street, N.E. between F and E Streets (Square 754, Lots 103 to 106 and 109). The specific amendment to the Zoning Map of the District of Columbia is: Square 754, Lots 103 through 106 and 109 – rezone from CAP/R-4 to CAP/C-2-A. The purpose of this rezoning is to adopt a zoning designation for the subject property that is more consistent with the Comprehensive Plan Amendments Act of 1994 and with the Capitol Interest Overlay District. The Comprehensive Plan identifies 2<sup>nd</sup> Street as a mixed-use commercial area, and the subject lots are the only lots along the 2<sup>nd</sup> Street, N.E. corridor that are not commercially-zoned between Massachusetts Avenue and K Street.

At its regularly scheduled meeting on January 13, 2003, the Commission took proposed action pursuant to 11 DCMR § 3027, to approve the proposed map amendment. The Applicant testified that the amendment was offered to “zip up a hole” in the commercial fabric of Second Street, and that the Applicant believed rezoning would create a defining edge between the commercial and residential characters of the neighborhood. The Office of Planning offered testimony in support of the application. ANC 6A presented testimony in support of rezoning Lot 109, but did not support rezoning Lots 103 through 106. The Commission left the record open for a 30-day period in order to receive additional evidence into the record.

Based on the above, the Commission finds that the proposed amendment to the Zoning Map is in the best interests of the District of Columbia, consistent with the intent and purpose of the Zoning Act and Zoning Regulations, and not inconsistent with the Comprehensive Plan for the Nation's Capital.


In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **APPROVES** a change of zoning from CAP/R-4 to CAP/C-2-A for the east side of 2<sup>nd</sup> Street, N.E. between F and E Streets (Square 754, Lots 103 through 106 and 109).

Vote of the Zoning Commission taken at its public meeting on January 13, 2003 to **APPROVE** the proposed rulemaking: **4-0-1** (Carol J. Mitten, Anthony J. Hood, Peter G. May, and John G. Parsons to approve, James Hannaham not present, not voting).

This order and final rulemaking was **ADOPTED** by the Zoning Commission at its public meeting on September 13, 2004, by a vote of 4-0-1 (Carol J. Mitten, Kevin L. Hildebrand, Anthony J. Hood, and John G. Parsons to approve; Gregory N. Jeffries, having not participated in the case, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the D.C. Register on **OCT 08 2004**.

  
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**CAROL J. MITTEN**  
**CHAIRMAN**  
**ZONING COMMISSION**

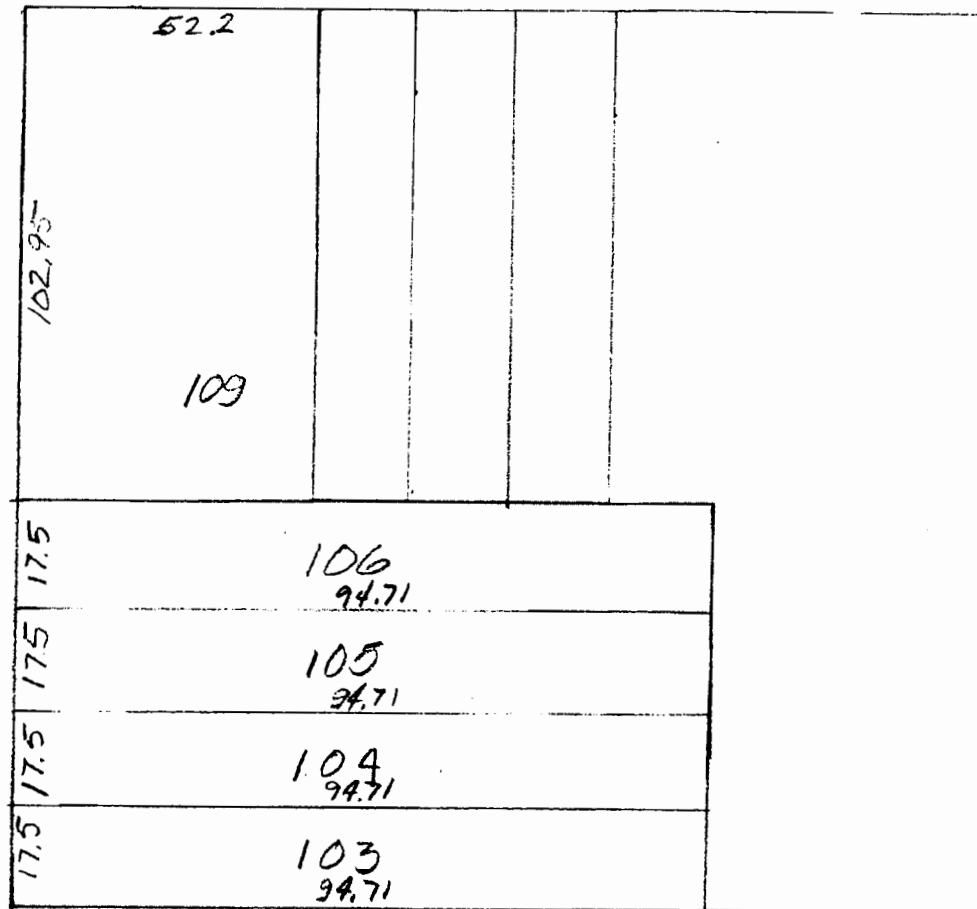
  
\_\_\_\_\_  
**JERRILY R. KRESS, FAIA**  
**DIRECTOR**  
**OFFICE OF ZONING**

MAY 24, 2002  
PLAT FOR SQ. 754 LOTS 103-106 & 109  
SCALE: 1 INCH = 20 FEET

NOTE: THIS PLAT IS NOT CERTIFIED AND HAS BEEN  
PROVIDED AS A COURTESY AS NO PLAT IS NO  
REQUIRED AT THE FILING OF A PETITION.

F STREET, N.E.

2ND STREET, N.E.



CAPITOL COURT, N.E.



Exhibit A

# Government of the District of Columbia

## Office of Zoning



### Z.C. CASE NO.: 02-22

As Secretary to the Zoning Commission, I hereby certify that on OCT 04 2004 copies of this Z.C. Order No. 02-22 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. D.C. Register (Alberto Bastida)
2. Mr. Gerald Forsburg  
215 F Street, N.E.  
Washington, D.C. 20002
3. Joseph V. Fengler, Chair  
ANC 6A  
815 F Street, N.E.  
Washington, D.C. 20002
4. Cody Rice  
ANC/SMD 6A03  
310 9<sup>th</sup> Street, N.E.  
Washington, D.C. 20002
5. Gottlieb Simon  
Office of Advisory Neighborhood  
Commissions  
1350 Pennsylvania Ave., N.W.  
Washington, D.C. 20004
6. Councilmember Sharon Ambrose –  
Ward 6  
Suite 102  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004
7. Office of Planning (Ellen McCarthy)
8. DDOT (Ken Laden)
9. Zoning Administrator
10. Corporation Counsel (Alan Bergstein)

ATTESTED BY:

A handwritten signature in black ink, appearing to read "Alberto P. Bastida", is written over a horizontal line.

Alberto P. Bastida, AICP  
Secretary to the Zoning Commission